

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**TRIAL MINUTES**

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**JUDGE: JEFFREY S. WHITE**

**COURTROOM DEPUTY:** Jennifer Ottolini

**DATE:** August 22, 2005

**Court Reporter:** Kathy Wyatt

**CASE NO. C-04-958 JSW**

**TITLE:** Stephanie Harrington v. City of Napa, et al.,

**COUNSEL FOR PLAINTIFF:**

David Helbraun

**COUNSEL FOR DEFENDANT:**

David Jones  
John Cu

**PROCEEDINGS:** Jury Trial (Day 7)

**(SEE ATTACHED TRIAL LOG)**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

Case No: C-04-958 JSW

Case Name: STEPHANIE HARRINGTON v. CITY OF NAPA, et al.,

**TRIAL SHEET, EXHIBIT and WITNESS LIST**

<b>DISTRICT JUDGE</b> <b>JEFFREY S. WHITE</b>	<b>PLAINTIFF ATTORNEY:</b> <b>DAVID HELBRAUN</b>	<b>DEFENSE ATTORNEY:</b> <b>DAVID JONES/JOHN CU</b>
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<b>TRIAL DATE:</b> <b>August 22, 2005</b>	<b>REPORTER(S):</b> <b>Kathy Wyatt</b>	<b>CLERK:</b> <b>Jennifer Ottolini</b>
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PLF NO.	DEF NO.	TIME	ID	REC	DESCRIPTION
		<u>8:26 a.m.</u>			Court convened. All parties and counsel are present. Court and counsel discuss jury instructions.
		<u>8:35 a.m.</u>			Jury is now present. The Defendant called <b>JARED ZWICKEY</b> , who was sworn and testified under direct examination.
		<u>8:48 a.m.</u>			Jared Zwickey is offered as an expert witness in the field of: 1. Arrest and Control, 2. Police Practices, 3. Use of Force by Police: <u>GRANTED</u>
		<u>9:16 a.m.</u>			Cross examination of <b>JARED ZWICKEY</b>
<u>76</u>			X		Zwickey report dated 3-25-05
		<u>9:54 a.m.</u>			Witness thanked and excused. Subject to the admission of evidence, the Defendant rests.
		<u>9:55 a.m.</u>			The Plaintiff called <b>KATHRYN EBERHART</b> , who was sworn and testified as a Rebuttal Witness under direction examination.
		<u>10:00 a.m.</u>			Court recessed for 15 minutes. Jurors admonished.
		<u>10:17 a.m.</u>			Court reconvened. All counsel and parties are present. Jury is present. Direct Examination of <b>KATHRYN EBERHART</b> continued.
<u>82</u>			X		Defense Medical Examination - Report by <b>KATHRYN EBERHART</b>
		<u>10:31 a.m.</u>			Cross examination of <b>KATHRYN EBERHART</b>
		<u>10:34 a.m.</u>			Witness thanked and excused. The Plaintiff rests. The jury is admonished and recessed for 30 minutes.
		<u>10:35 a.m.</u>			Court and counsel discuss exhibits and jury instructions
<u>51</u>			X	X	Dr. Hitchcock's Progress Notes dated 3-25-05
<u>83</u>			X	X	3 documents from the original exhibit 45
		<u>11:05 a.m.</u>			Court recessed for 15 minutes

EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO.	TIME	ID	REC	DESCRIPTION
		<u>10:25 a.m.</u>			Court reconvened. All counsel and parties are present. Jury is present. <u>The Court instructed the jury.</u>
		<u>11:44 a.m.</u>			Sidebar conference held (reported)
		<u>11:50 a.m.</u>			Court recessed for lunch. Jurors admonished.
		<u>1:04 p.m.</u>			Court reconvened. All counsel and parties are present. The Court made inquiry of counsel re: Special Verdict Form
		<u>1:05 p.m.</u>			The jury is now present. Closing statements on behalf of the Plaintiff, given by David Helbraun
		<u>1:37 p.m.</u>			Closing statements on behalf of the Defendant, given by David Jones
		<u>2:29 p.m.</u>			Court recessed for 15 minutes. Jurors admonished.
		<u>2:45 p.m.</u>			Court reconvened. All counsel and parties are present. The jury is present. Final argument on behalf of the Plaintiff, by David Helbraun.
		<u>2:56 p.m.</u>			The Court completes reading the instructions to the jury.
		<u>3:02 p.m.</u>			Jury retired to deliberate.
		<u>3:09 p.m.</u>			CSO Doug Wright is sworn to take charge of the jury.
		<u>4:10 p.m.</u>			The Jury informed CSO Wright that they will deliberate from 8:00 a.m. until 4:00 p.m. daily. The jury has gone home for the evening.